

MEMBERS PRESENT

Peg Birney
Tom Chang, Alternate
Thomas J. Knips, Chairman
Robert LaColla
Sheila Lahey
Robert Rahemba

MEMBERS ABSENT

Joel Sasser, Alternate
David Stenger

OTHER PRESENT

John V. Andrews Jr., P.E., Town Engineer
Maryann Johnson for J. Theodore Fink, AICP, Town Planning Consultant
John A. Morabito, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Ziggy Rutan
Wayne Akstin
Timothy W. Wales, P.E.
Steve Spina
Katherine Griffin
Liz Dreeban
Michael Gillespie, P.E.
Robert Spiak
Paul Trefz

The meeting was called to order at 7:04 p.m. by Thomas J. Knips, Chairman. Mr. Knips appointed Mr. Chang, Alternate for Mr. Stenger.

REQUEST FOR EXTENSION**LANDS OF WICK - SUBDIVISION & RESUBDIVISION**

Mr. Andrews indicated that the Board is not authorized to grant two (2) concurrent ninety (90) day extensions and that one (1) ninety (90) day extension can be granted at a time.

Mr. Andrews stated that the Applicant is awaiting Department of Health Approval and that this is the reason for they are requesting an extension.

Mr. LaColla made a motion that the Board grant a ninety (90) day extension of the Resolution of Final Approval and that the Board empower Ms. Davis to prepare and sign a letter to the Applicant indicating that the extension is granted. Seconded by Mr. Rahemba. Motion carried.

REVIEW**FISHKILL @ WESTAGE - SITE DEVELOPMENT PLAN**

Mr. Andrews stated the applicant is represented by Mr. Galotti this evening. Mr. Andrews stated that the Town Board adopted a Negative Declaration and issued the necessary rezoning from PSC to PB to Senior Overlay District. Mr. Andrews stated that the Planning Board can now proceed with the Site Plan Approval and Subdivision Approval processes.

FINAL

REVIEW
FISHKILL @ WESTAGE - SITE DEVELOPMENT PLAN

Mr. LaColla made a motion that the Board refer this to the ZBA with a positive recommendation for four (4) story variance. Seconded by Mrs. Lahey. Motion carried.

REVIEW
FISHKILL @ WESTAGE - SITE DEVELOPMENT PLAN

Mr. Galotti stated Toll Brothers would like to change the name of this project and they are in the process of amending the name to Regency at Fishkill or Lafayette Manor but are still working on this.

REVIEW
DUTCHESS GASTROENTEROLOGY - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated February 9, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Knips suggested that the revised drawings when they are received be resent to Rombout Fire District for their review and comments.

Mr. Morabito reviewed his memorandum to the Board dated February 9, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Rutan indicated that the sign details will be forthcoming under a separate application.

Mr. LaColla asked if the sidewalk terminated by the Mack-Cali building. Mr. Andrews stated it does now but it will be continued through by the Westage Lot 5 Hotels project. Mr. LaColla requested that a pedestrian crossing be delineated from the Mack-Cali building to 400 Westage.

Mr. Andrews suggested that a public hearing is in order for this proposal.

Mr. LaColla made a motion that the Board schedule a public hearing at 7:30 p.m. or as soon thereafter as possible for the February 23, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that a Resolution of Preliminary and Final Approval be prepared for review at the February 23, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

REVIEW
**THALLE INDUSTRIES, INC. - AMENDED SITE DEVELOPMENT PLAN &
SPECIAL USE PERMIT**

Mr. Morabito reviewed his memorandum to the Board dated February 9, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Morabito stated he understands that this isn't a drastic change but is concerned with run-off but defers to Mr. Andrews.

FINAL

REVIEW
THALLE INDUSTRIES, INC. - AMENDED SITE DEVELOPMENT PLAN &
SPECIAL USE PERMIT

Mr. Andrews reviewed his memorandum to the Board dated February 9, 2006; a copy of this memorandum is attached to the original minutes.

Mr. LaColla asked if the retaining wall is made of concrete block. Mr. Wales stated yes.

Mr. Andrews stated at the last meeting we were told this does not relate to the NYSDEC permit so this is just a Site Development Plan review not a Special Use Permit review. Mr. Andrews stated that if NYSDEC decides this is part of their permit the setbacks are set by the NYSDEC not by the Town of Fishkill.

Mr. Andrews stated the applicant needs to determine whether the NYSDEC is going have an issue with this by the next meeting.

Ms. Davis indicated that a decision as to NYSDEC needs to be made no later than Monday as the Notice of Public Hearing must be placed by Monday, February 13, 2006.

Mr. Andrews stated he just needs the NYSDEC to issue whether this building is within the permit or not, and if the permit speaks to buildings and structures that is not an issue and this will fall under an Amended Site Development Plan approval.

Ms. Birney made a motion that the Board schedule a public hearing at 7:30 p.m. or as soon thereafter as possible for February 23, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

PUBLIC HEARING
RAINBOW RIDGE PET CEMETERY & CREMATORY
SITE DEVELOPMENT PLAN

The public hearing was called to order by the Board at 7:41 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Spina stated that the applicants are seeking Final Site Development Plan approval to expand/convert a portion of an existing residential building into a handicap accessible office/viewing chapel, the demolition of an existing shed and the construction of a 784 S.F. crematory building. Mr. Spina stated that other site improvements shall include areas dedicated to the burial of deceased pets, a designated parking area and landscaping improvements. Mr. Spina stated that the proposed development shall be constructed in two (2) phases. Mr. Spina stated that Phase 1 shall include the demolition of the existing shed, the construction of the crematory building, addition of the parking area and regrading the driveway. Mr. Spina stated that Phase 2 shall include the renovation of the existing building and landscaping improvements. Mr. Spina stated that the parcel for this proposal is located 146 Old Route 9, in the GB (General Business) and R-15 Zoning Districts and consists of 5.94 ± acres.

FINAL

PUBLIC HEARING
RAINBOW RIDGE PET CEMETERY & CREMATORY
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Knips asked if there was anyone with questions, comments or concerns regarding this proposal.

Mr. Ferry stated he is on the left of the property and the owner spoke to him yesterday and mentioned that the shed will be removed which is on his property. Mr. Spina stated they are showing no changes to the shed. Ms. Dreeban stated she spoke to the owner and he said it is okay to remove the shed so the plans are going to be modified to show the removal of the shed that is on Mr. Ferry's property.

Mr. Goodwin stated that he owns the very last house in the back on this road and has concerns with traffic, the use of the road and screening this property from his. Mr. Goodwin indicated that he submitted a letter today for the Board. Mr. Goodwin stated he would like to see trees planted so as to separate his property from this one. Mr. Goodwin stated according to the owners they are going to be picking up animals from all over.

Ms. Birney stated the driveway that Mr. Goodwin is referring to is not going to be an access road and asked Mr. Spina if that is true. Mr. Spina stated that is true the road is only for emergency use. Mr. Andrews stated that is part of the approval.

Mr. Spina stated there are proposed oak and birch trees from where the main driveway intersects with the adjacent property and that the trees will grow and spread and should provide adequate screening. Mr. Spina stated that there is an existing tree line towards the southern end of the site which should provide adequate screening for the proposed burial plots. Mr. Spina stated there will be a bollard and chain assembly which will be closed at all times unless there is an emergency. Mr. Spina stated the only deliveries will be in small vans and there is adequate space for more than enough vehicles. Mr. Spina stated there is adequate sight distance. Ms. Dreeban stated they are not going to have tractor trailers delivering to the site.

Mr. Goodwin asked the hours on the weekend. Ms. Dreeban stated probably half a day on Saturday. Mr. Goodwin stated the property is directly next to his and he does not want to see heavy equipment being kept there. Mr. Spina stated there will be no heavy equipment stored and the burial plots are very small. Mr. Spina stated that it is not likely that they will need to store caskets and different materials on the site.

Ms. Stoudard stated she lives behind the property. Ms. Stoudard asked where the soil stockpiles will be located. Ms. Dreeban stated the property has a lot of rock so they won't be stockpiling a lot of soil but if so it will be a very small pile. Ms. Stoudard stated she understands that but is concerned with run-off. Mr. Spina stated appropriate notes are on the plans that in the event of stockpiling it will be seeded. Ms. Stoudard asked about the smells that will be emitted from the crematorium. Mr. Andrews stated a NYSDEC permit has been granted and the applicant submitted several sets of data from the manufacturer and the discharges are typically less than what will come from a fire place, but this is strictly regulated and the necessary permits are in place. Ms. Johnson stated she spoke to the NYSDEC and they have received no complaints on any of the crematoriums they regulate in Hyde Park.

PUBLIC HEARING
RAINBOW RIDGE PET CEMETERY & CREMATORY
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Stoudard stated their property is large and is bordered by quite a few neighbors. Mr. Stoudard stated he spoke to the previous owners about the amount of debris that is down the hill and has found that debris is in fact on his property. Ms. Griffin stated they are working on this and have taken over 80 yards of debris from there already.

Mr. Morabito stated he understands the concern but is not sure that the Board should require this new owner to clean up these items when we are not sure who put the debris there.

Mr. Andrews stated it is noted that the debris is there and it may be possible for these owners to work together to clean it up. Mr. Andrews stated the Town really doesn't have jurisdiction on this as we don't know who exactly is responsible for dumping the debris in the first place.

Mr. Knips asked if there were any further questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. LaColla made a motion that the Board close the public hearing at 8:02 pm. Seconded by Ms. Birney. Motion carried.

Mr. LaColla made a motion that a Resolution of Final Approval - Site Development Plan and Special Use Permit be drafted and reviewed at the February 23, 2006 Planning Board meeting. Seconded by Mr. Callahan. Motion carried.

REVIEW
PIONEER REALTY HOLDINGS, LLC (A.K.A. RAL SUPPLY GROUP, LLC
AMENDED SPECIAL USE PERMIT AND SITE DEVELOPMENT PLAN

Mr. Vitolo stated they have revised the building to remain on the slab as suggested by the NYSDEC.

Mr. Andrews stated Mrs. Johnson has prepared a Negative Declaration as instructed by the Board at the last meeting. Mrs. Johnson reviewed the prepared Negative Declaration. Mrs. Johnson indicated that "Town" Board shall be revised to "Planning" Board in the Negative Declaration.

Mr. LaColla made a motion that the Board adopt the Negative Declaration as amended during the course of discussion this evening. Seconded by Mrs. Lahey. Motion.

Mr. Andrews reviewed the Resolution of Preliminary Approval - Site Development Plan.

Mr. Andrews stated the adoption date of the Negative Declaration shall be included on page 2.

Mr. LaColla asked if this application was referred to the NYSDOT; Mr. Colsey stated yes and he will make this correction to the Resolution.

FINAL

REVIEW
PIONEER REALTY HOLDINGS, LLC (A.K.A. RAL SUPPLY GROUP, LLC
AMENDED SPECIAL USE PERMIT AND SITE DEVELOPMENT PLAN

Mr. Vitolo asked if the Board would waive the final public hearing and if this could go forward to final approval. Mr. Andrews stated that he cannot recommend final approval until the items on this Resolution of Preliminary Approval are resolved and typically the Board does not waive a final public hearing until the items on the Resolution of Preliminary Approval have been addressed.

Mr. LaColla made a motion that the Board adopt the Resolution of Preliminary Approval - Site Development Plan as amended during the course of discussion this evening and that the Chairman sign it when ready. Seconded by Mrs. Lahey. Motion carried.

REVIEW
MCDONALD'S - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated February 9, 2006; a copy of this memorandum is attached to the original minutes.

Mrs. Johnson reviewed Mr. Fink's memorandum to the Board dated February 9, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Volkman reviewed his memorandum to the Board dated February 9, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Knips stated the sign as proposed now is still an issue as it is not on a principal façade of the building in accordance with the newly adopted Town Sign Ordinance. Mr. Volkman stated that is correct. Mrs. Johnson stated the applicant can take the 40 S.F. sign and move it to the front and put a smaller sign on the back.

Mr. LaColla asked if a "principal façade" is defined anywhere in the Town Code. Mr. Volkman stated according to the code it is defined as the face of the building which is the primary entrance to the building.

Mr. Spiak stated they are making their best effort to get the best visibility of the building and to be in accordance with the new sign ordinance. Mrs. Johnson stated if window signs are not allowed then we are way over here with the signage.

Ms. Birney stated the new Town sign ordinance was taken from other adopted municipalities' sign ordinances.

Mr. Knips asked if the principal façade is the south façade; Mr. Volkman stated yes. Mr. Knips stated than you can have a 40 s.f. sign on the south façade; Mr. Volkman stated yes. Mr. Knips stated if it isn't visible from the highway then you are allowed an additional sign. Mr. Knips asked what alternatives we have if this does not meet the current sign code as there is not a lot we can do now as far as issuing approvals.

FINAL

REVIEW
MCDONALD'S - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. LaColla asked what the Board's purview is in terms of approval - does it allow for any deviation. Mr. Volkman stated we don't want to deviate from the new code. Mr. Volkman stated the waiver provision is for the size standards of the new sign code from the Planning Board. Mr. Volkman stated with respect to the principal façade issue, the sign ordinance states you can apply the relief section but it does not apply to the size of the sign.

Mr. Volkman stated we are looking at a location waiver here for the second sign not a waiver for size. Mr. Andrews stated this applicant wants a sign on the back of the building - one sign located on the street side and they are giving up the one of the principal façade.

Mr. LaColla stated it sounds like we need to have the applicant go to the ZBA for an approval. Mr. LaColla asked if to poll the Board as to whether a single sign should be allowed on the back of the building.

It was the consensus of the Board that they had no problem moving the sign to the Route 9 side and that a positive recommendation be made to the ZBA for the location of the sign.

Mr. Andrews stated the only way to handle this now is to direct this to the ZBA for a variance or an interpretation. Mr. Andrews stated the Board can exclude the signage from the approval but he doesn't know what that involves as this is more of a package deal. Mr. Andrews stated the Board's desire is for this to go to the ZBA and come back as to what the ZBA determines. The Board agreed with Mr. Andrews.

Mr. Andrews stated the two issues for the ZBA is where the sign is located and how the window signs relate to the requirements of the law. Mr. Andrews stated the next issue is roof lighting and Mr. Volkman's letter indicates this Board has the right to make a determination as to whether it is acceptable or not.

Mr. Trefz stated that this is really getting to the point where this proposal is not worth it and stated that maybe they will just repaint the building and re-roof it and call it a day. Mr. Andrews stated he doesn't believe that is what the Board wants. Mr. Trefz stated the roof lighting is needed as they are being stripped of all their identity right now. Mr. Knips stated he understands the position but the Hess Station made the same case but fits into the community. Mr. Trefz stated we are a small franchise and have been here for 25 years.

Mr. Morabito stated he disagrees that the identity is being stripped and there is a McDonald's in Vermont that only has a small sign. Mr. Morabito stated he finds it hard to believe that he couldn't find the McDonald's from Interstate Route 84.

Mrs. Johnson stated the Town is starting to pay attention to the way things look and this Board does pay attention. Mr. Trefz stated this is a tremendous investment for us but we do need to get a return on this investment. Mr. Morabito stated once Home Depot is in he doesn't believe your going to loose on this whether the roof lights are there or not.

FINAL

REVIEW
MCDONALD'S - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. LaColla stated Home Depot did take the steps and dispensed with their typical trademark and colors to fit their building into the community.

Mr. Rahemba stated Mr. Volkman's letter doesn't say the illuminated roof comes under the Board purview. Mr. Volkman stated this Board cannot regulate the roof as a sign but we can regulate under the general standards as well as a lighting issue under the new code.

Ms. Birney stated she is willing to go with the roof gutters but not illuminated ones. Mrs. Lahey agreed with Ms. Birney. Mr. Rahemba stated he has no problem with the gutters being illuminated. Mr. Chang stated he agreed with Mr. Rahemba as it is there now and we are improving the roof which should be more substantial visually than leaving the existing roof there. Mr. LaColla stated he feels obligated to stick with Greenway Compact so he does not want the up-lighting.

Mr. Knips agreed with Dutchess County as they indicated that the roof lighting be removed and if they have to remain that they not be illuminated. Mr. Knips stated his opinion is that the illumination of the gutters is not required any more. Mr. Knips asked the applicant to relook at the building as to what it is going to look like with the illumination.

Mr. Knips stated when this McDonald's was first being proposed in the Town of Fishkill, an article appeared on January 20, 1981 in the Poughkeepsie Journal, the article was entitled "Restaurant Features Historical Flavor." Mr. Knips indicated that the historical look is no longer present.

Ms. Birney stated the area has taken on a historical look and Hess worked to make it fit in within the historical nature of Fishkill and Home Depot redesigned their building to fit in with Fishkill, as this area is a gateway to Fishkill. Ms. Birney stated Mr. Knips' comment that this be relooked at to see if white gutters are really what the applicant wants is a good one. Ms. Birney stated the interior of the McDonald's was initially historical in nature and that has been lost now.

Mr. Trefz stated we are looking at the existing buildings, with no roof gutters, a sign facing south which we can't do because there is no wall there - so he doesn't see an alternative. Mr. Knips stated this Board is in agreement that a variance should be granted for the sign on the south side. Mr. Trefz stated then they are going to lose the signage on the windows. Ms. Johnson asked if it was the Board's intent to remove the sign from the windows. Mr. Andrews stated he believes this Board wants a clarification from the ZBA as to whether the windows signs are allowed or not allowed and if they are not allowed will the ZBA grant a variance.

Mr. Trefz asked what they can put on the glass if they take off the McDonald's. Mr. LaColla stated the intent of the law is to try to eliminate visual noise.

Mr. Rahemba stated he has no problem with the window signage and didn't believe the intent of the code was to regulate all window signs. Mr. Chang stated signs on the windows are on par with any other fast food restaurant; it gives them visual identity for some of their products.

REVIEW
MCDONALD'S - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. LaColla stated in the spirit of compromise he would recommend that the window signs be allowed.

Ms. Birney stated the windows decals shown in the pictures are not offensive, Mr. Callahan agreed with Ms. Birney, Mrs. Lahey stated since they already exist she has no problem with it.

Mr. LaColla made a motion that Mr. Colsey draft a letter to the ZBA to approve the proposed sign facing Route 9 and to allow the existing windows signs to remain and such shall constitute a positive recommendation to the ZBA. Mr. Andrews stated this letter must get to the ZBA by Tuesday, February 14, 2006.

Mr. Colsey stated the applicant needs to submit an application to the ZBA by Tuesday, February 14, 2006.

JANUARY 26, 2006 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the January 26, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. LaColla. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that the Board close the meeting at 9:25 p.m. Seconded by Ms. Birney. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

FINAL